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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,676	02/27/2004	Peter Kennedy	APLIP298/P3207	7556
63464 7590 12/31/2008 BEYER LAW GROUP LLP/APPLE INC. P.O. BOX 1687 CUPERTINO, CA 95015-1687				
EXAMINER LEWIS, DAVID LEE				
ART UNIT 2629		PAPER NUMBER		
MAIL DATE 12/31/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/789,676

**Applicant(s)**

KENNEDY, PETER

**Examiner**

DAVID L. LEWIS

**Art Unit**

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Jerbi et al. (7289824).**

**As in claim 1, Jerbi et al. teaches of a method, figure 2, column 1 lines 33-55, comprising:**

generating a touch signal with a signet anywhere and in any orientation on a touch sensitive surface, the touch signal representing a particular signet pattern, wherein the particular signet pattern is the shape of the signet itself or a pattern formed on the signet, **column 1 lines 33-58, column 2 lines 20-30**; fingerprint pattern is said signet pattern

recognizing the particular signet pattern, **column 1 lines 33-43, column 2 lines 5-19**; and

performing an action associated with the particular signet pattern, **column 1 lines 45-58, column 2 lines 29-35 and 55-67.**

**As in claim 2, Jerbi et al. teaches of** wherein said recognizing includes comparing the touch signal to one or more signet signals, **column 1 lines 33-43, column 2 lines 5-19.**

**As in claim 3, Jerbi et al. teaches of** wherein the action includes opening one or more restricted areas within a computer system, **column 1 lines 33-43, column 2 lines 29-35 and 55-67.**

**As in claim 4, Jerbi et al. teaches of** wherein the action includes configuring a computer system to a particular user, **column 1 lines 33-58 and column 2 lines 5-19.**

**As in claim 5, Jerbi et al. teaches of** wherein the action is configured to launch a program, **column 1 lines 33-58, column 2 lines 29-35 and 55-67.**

**As in claim 6, Jerbi et al. teaches of** wherein the action includes encrypting or decoding a message, **column 1 lines 33-58, column 2 lines 36-67, column 3 lines 9-21, column 4 lines 5-15.** wherein encryption and decoding are inherent to mobile communication.

**As in claim 7, Jerbi et al. teaches of** wherein said recognizing includes comparing the shape of a contact area with a list of signet shapes, and wherein the action is performed when the shape of the contact area matches the signet shape, **column 3 lines 9-21.**

**As in claim 8, Jerbi et al. teaches of** a computer system, **figures 1 and 2,** comprising:

a touch screen that generates signet data associated with a signet pattern when a signet having the signet pattern is placed at any location and in any orientation on the touch screen, **figure 1 item 3/4a, figure 2 item 4, column 1 lines 33-58;** and

a computer that recognizes the signet data and that initiates an action associated with the recognized signet data, wherein the signet pattern is the shape of the signet itself or a pattern formed on the signet, **figure 1 item M, column 1 lines 33-58, column 3 lines 9-21.** wherein different fingers have different shapes relative to one another.

**As in claim 9, Jerbi et al. teaches of** wherein the action includes logging onto the computer system, permitting authorized individuals access to restricted areas of the computer system, loading a user profile associated with a user's preferred arrangement of the computer system, permitting access to web content, launching a program, opening a file or document, viewing a menu, making a selection, executing instructions, encrypting or decoding a message, or operating

an input device, **column 1 lines 33-58, column 2 lines 36-67, column 3 lines 9-21, column 4 lines 5-15.**

**As in claim 10, Jerbi et al. teaches of** wherein the signet corresponds to a ring, a tag, a card, a token, a stamp, or a key, **column 1 lines 33-58, column 3 lines 9-21.** wherein said tag, stamp, or key is equivalent to said fingerprint

**As in claim 11, Jerbi et al. teaches of** wherein the signet pattern corresponds to the shape of the signet, **column 1 lines 33-58, column 3 lines 9-21.**

**As in claim 12, Jerbi et al. teaches of** wherein the signet pattern is formed on the signet, the signet pattern being a raised or recessed portion of the signet, **column 1 lines 33-58, column 3 lines 9-21.** said fingerprint feature

**As in claim 13, Jerbi et al. teaches of** wherein the touch screen is configured with a plurality of sensor coordinates that represent different points on the touch screen, the sensor coordinates activating when the signet is pressed against the touch screen, the activated sensor coordinates representing the shape of the signet pattern, **figure 1 item 3/4a, figure 2 item 4, column 1 lines 33-58, column 3 lines 9-21.**

**As in claim 14, Jerbi et al. teaches of** a signet system, **figures 1 and 2,** comprising:

a touch sensitive area for placing a signet having a signet pattern, **figure 1 item 3/4a, figure 2 item 4**; and

a detection system for generating a touch signal when the signet is presented to any location and in any orientation on the touch sensitive area and for extracting shape data associated with the signet pattern from the touch signal, wherein the signet pattern is the shape of the signet itself or a pattern formed on the signet, **figure 1 item M, column 1 lines 33-58, column 3 lines 9-21**.

**As in claim 15, Jerbi et al. teaches of** wherein detection system includes a sensing device and a control device, the sensing device being configured to register touches on the touch sensitive area and the control device being configured to monitor the touches and to translate the touches into shape data, **figure 1 items M and 4, column 1 lines 33-58, column 3 lines 9-21**.

**As in claim 16, Jerbi et al. teaches of** wherein the sensing device corresponds to a resistive sensing device, a capacitive sensing device, an acoustic wave sensing device or an infrared sensing device, **figure 1 item 4/4a, biometric sensor**.

**As in claim 17, Jerbi et al. teaches of** wherein the control device includes a sensor controller and a processor, the sensor controller being configured to convert the touches into touch events, the processor being configured to interpret the touch events into shape data and to transmit the results to other components, **figure 1 items M and 4, column 1 lines 33-58, column 3 lines 9-21**.

**As in claim 18, Jerbi et al. teaches of** computer readable medium storing at least computer code executable by a computer, the computer code, **figures 1 and 2, column 1 lines 33-58, column 3 lines 9-21**, comprising:

storing shape data associated with one or more signets, **column 1 lines 33-58**;

generating shape data based on a signet placed at any location and in any orientation on said touch sensitive device, **column 1 lines 33-58, column 3 lines 9-21**;

comparing the generated shape data to the stored shape data, **column 1 lines 33-58, column 3 lines 9-21**; and

performing an action associated with the stored shape data when the generated shape data matches the stored shape data wherein the shape data is the shape of the signet itself or a pattern formed on the signet, **column 1 lines 33-58, column 3 lines 9-40**.

**As in claim 19, Jerbi et al. teaches of in** a computer based system having a touch sensitive device, **figures 1 and 2**, a shape recognition method, **column 1 lines 33-58, column 3 lines 9-21**,

comprising: providing baseline signet signals, **column 1 lines 33-58, column 3 lines 9-21**;

generating a current signet signal when a signet is placed at any location and in any orientation on the touch sensitive device, **column 1 lines 33-58, column 3 lines 9-21**;

comparing the current signal to at least one baseline signet signal, **column 1 lines 33-58, column 3 lines 9-21**; and

performing an action based on the current and baseline signet signals, **column 1 lines 33-58, column 3 lines 9-40**.

### ***Response to Arguments***

2. Applicant's arguments filed on 10/2/2008 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection. The Applicant's claims read on a computer device having a biometric sensor such as a fingerprint reader, which is not limited by finger shape, position, or orientation. Jerbi et al. teaches of the claimed invention. The claimed invention would also be obvious over Allport as modified by Jerbi et al.. This action is made final.

### **Conclusion**

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(571) 272-7673**. The examiner can normally be reached on MT and THF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on **(571) 272-7681**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571)-273-8300.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner: David L. Lewis  
December 22, 2008  
/David L Lewis/  
Examiner, Art Unit 2629

